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IDAHO LEGISLATURE

SECOND REGULAR SESSION
SIXTY-FIRST LEGISLATURE

SEVENTY-FOURTH LEGISLATIVE DAY
THURSDAY, MARCH 22, 2012

Senate Chamber

President Pro Tempore Hill called the Senate to order at 9 a.m.

Roll call showed all members present except Senators Hammond and Mortimer, absent and formally excused by the Chair; and Senators Andreason, Cameron, Johnson, Lodge, McKague, and Werk, absent and excused.

Prayer was offered by Chaplain Keith Buhler.

The Pledge of Allegiance was led by Elisabeth Manor, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of March 21, 2012, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

Senators Johnson, Werk, and Lodge were recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

March 22, 2012

The JUDICIARY AND RULES Committee reports that [S 1409](#) and [S 1410](#) have been correctly printed.

DARRINGTON, Chairman

[S 1409](#) and [S 1410](#) were referred to the Finance Committee.

March 21, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [S 1350](#), [S 1351](#), [S 1352](#), [S 1353](#), [S 1354](#), [S 1359](#), [S 1361](#), [S 1367](#), [S 1260](#), [S 1261](#), [S 1262](#), [S 1273](#), [S 1289](#), [S 1290](#), [S 1291](#), [S 1298](#), [S 1299](#), [S 1307](#), [S 1314](#), [S 1319](#), [S 1323](#), as amended, [S 1332](#), [S 1335](#), [S 1340](#), [S 1346](#), [S 1368](#), [S 1375](#), [S 1376](#), [S 1377](#), [S 1381](#), [S 1382](#), and [S 1384](#) were delivered to the Office of the Governor at 2:15 p.m., March 21, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

March 21, 2012

The LOCAL GOVERNMENT AND TAXATION Committee reports out [H 485](#), as amended, with the recommendation that it do pass.

CORDER, Chairman

[H 485](#), as amended, was filed for second reading.

March 21, 2012

The RESOURCES AND ENVIRONMENT Committee reports out [H 458](#) and [H 542](#), as amended, with the recommendation that they do pass.

PEARCE, Chairman

[H 458](#) and [H 542](#), as amended, were filed for second reading.

March 21, 2012

The JUDICIARY AND RULES Committee reports that [S 1360](#), [S 1231](#), as amended, [S 1255](#), as amended, as amended, [S 1286](#), [S 1304](#), [S 1313](#), [S 1321](#), as amended, [S 1327](#), [S 1328](#), [S 1329](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1356](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1360](#), [S 1231](#), as amended, [S 1255](#), as amended, as amended, [S 1286](#), [S 1304](#), [S 1313](#), [S 1321](#), as amended, [S 1327](#), [S 1328](#), [S 1329](#), [S 1337](#), as amended, [S 1338](#), [S 1341](#), [S 1356](#), as amended, [S 1388](#), [S 1389](#), [S 1391](#), and [S 1392](#) and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 21, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1253](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

The Senate advanced to the Ninth Order of Business.

Messages from the House

March 21, 2012

Dear Mr. President:

I transmit herewith [H 606](#), as amended, and [H 682](#), which have passed the House.

ALEXANDER, Chief Clerk

[H 606](#), as amended, and [H 682](#) were filed for first reading.

March 21, 2012

Dear Mr. President:

I return herewith [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1271](#), [S 1279](#), [S 1370](#), [SCR 115](#), [SCR 118](#), [SCR 119](#), [SCR 114](#), [SCR 117](#), [SCR 122](#), [SCR 112](#), [SCR 124](#), [SCR 128](#), [SCR 129](#), [SCR 120](#), and [SCR 121](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1271](#), [S 1279](#), [S 1370](#), [SCR 115](#), [SCR 118](#), [SCR 119](#), [SCR 114](#), [SCR 117](#), [SCR 122](#), [SCR 112](#), [SCR 124](#), [SCR 128](#), [SCR 129](#), [SCR 120](#), and [SCR 121](#) were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

Senators Andreason, Cameron, and McKague were recorded present at this order of business.

S 1411

BY JUDICIARY AND RULES COMMITTEE

AN ACT

RELATING TO GARNISHMENTS; AMENDING SECTION 8-507, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY SHALL SERVE CERTAIN DOCUMENTS, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-507A, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE ON A DEFENDANT OR CERTAIN THIRD PARTIES BY THE SHERIFF OR A SERVING ATTORNEY; AMENDING SECTION 8-507B, IDAHO CODE, TO REVISE PROVISIONS RELATING TO SERVICE ON A DEFENDANT OR CERTAIN THIRD PARTIES BY A BANK OR DEPOSITORY INSTITUTION; AMENDING SECTION 8-507C, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE AVAILABILITY OF CERTAIN FORMS AND TO REVISE A CERTAIN NOTICE FORM; AMENDING SECTION 8-507D, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY HAS CERTAIN DUTIES; AMENDING SECTION 8-508, IDAHO CODE, TO REVISE PROVISIONS RELATING TO LIABILITY OF A GARNISHEE; AMENDING SECTION 8-509, IDAHO CODE, TO REVISE PROVISIONS RELATING TO AN EXAMINATION OF A GARNISHEE; AMENDING SECTION 8-510, IDAHO CODE, TO REVISE PROVISIONS RELATING TO DISCHARGE OF A GARNISHEE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 8-521, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE LIABILITY OF CERTAIN PERSONS; AMENDING SECTION 8-524, IDAHO CODE, TO REQUIRE A SERVING ATTORNEY TO MAKE A FULL INVENTORY

OF CERTAIN PROPERTY; AMENDING SECTION 11-102, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE FORM OF A CERTAIN WRIT; AMENDING SECTION 11-103, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME WHEN AN EXECUTION IS RETURNABLE AND TO REVISE PROVISIONS RELATING TO CONTINUOUS EXECUTION OR GARNISHMENT FOR CHILD SUPPORT; AMENDING SECTION 11-107, IDAHO CODE, TO PROVIDE THAT WHERE AN EXECUTION IS AGAINST THE PROPERTY OF THE JUDGMENT DEBTOR IT MAY BE ISSUED TO A SERVING ATTORNEY AND TO PROVIDE THAT WHERE AN EXECUTION IS FOR CERTAIN GARNISHMENTS IT MAY BE ISSUED TO A SERVING ATTORNEY; AMENDING SECTION 11-203, IDAHO CODE, TO REVISE PROVISIONS RELATING TO A CLAIM OF EXEMPTION BY DEFENDANT OR THIRD PARTY CLAIM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-206, IDAHO CODE, TO DEFINE A TERM AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 11-301, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE EXECUTION OF A CERTAIN WRIT AND TO MAKE TECHNICAL CORRECTIONS; AND AMENDING CHAPTER 32, TITLE 31, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 31-3203A, IDAHO CODE, TO PROVIDE THAT A SERVING ATTORNEY MAY CHARGE A REASONABLE FEE AND MAY CHARGE A CERTAIN COMMISSION.

[S 1411](#) was introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

[H 606](#), as amended, by Revenue and Taxation Committee, was introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

[H 682](#), by Appropriations Committee, was introduced, read the first time at length, and referred to the Finance Committee.

The Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1404](#), [S 1405](#), and [S 1406](#), by Finance Committee, were read the second time at length and filed for third reading.

[H 583](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading.

[H 653](#), by Revenue and Taxation Committee, was read the second time at length and filed for third reading, Consent Calendar.

[H 515](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

[H 584](#), as amended, and [H 634](#), by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

[H 551](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 631](#), as amended, by Ways and Means Committee, was read the second time at length and filed for third reading.

[H 443](#), by State Affairs Committee, was read the second time at length and filed for third reading.

[H 479](#), as amended, by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 577](#) and [H 599](#), by State Affairs Committee, were read the second time at length and filed for third reading.

[H 414](#), by Transportation and Defense Committee, was read the second time at length and filed for third reading.

[H 648](#) and [H 651](#), by Ways and Means Committee, were read the second time at length and filed for third reading.

[H 564](#), as amended, as amended in the Senate, by Education Committee, was read the second time at length and filed for third reading.

[S 1274](#), as amended in the House, by Transportation Committee, was read the second time at length and filed for third reading.

[S 1383](#), as amended, by State Affairs Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

[S 1401](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1401](#) passed, title was approved, and the bill ordered transmitted to the House.

[S 1402](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [S 1402](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, [S 1403](#), [S 1243](#), as amended in the House, as amended in the House, and [H 588](#) retained their place on the Third Reading Calendar for one legislative day.

[H 654](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Toryanski arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 654](#) passed, title was approved, and the bill ordered returned to the House.

[H 655](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 655](#) passed, title was approved, and the bill ordered returned to the House.

[H 368](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 368](#), as amended, passed, title was approved, and the bill ordered returned to the House.

President Little assumed the Chair.

[H 452](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 452](#) passed, title was approved, and the bill ordered returned to the House.

[H 518](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Werk, Winder. Total - 30.

NAYS—Pearce, Siddoway, Vick. Total - 3.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 518](#) passed, title was approved, and the bill ordered returned to the House.

[H 536](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 536](#) passed, title was approved, and the bill ordered returned to the House.

[H 553](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Schmidt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 553](#) passed, title was approved, and the bill ordered returned to the House.

[H 576](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Winder arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 576](#) passed, title was approved, and the bill ordered returned to the House.

[H 494](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Siddoway arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Keough disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 494](#) passed, title was approved, and the bill ordered returned to the House.

[H 608](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Heider arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 608](#) passed, title was approved, and the bill ordered returned to the House.

[H 539](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Lodge disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 539](#) passed, title was approved, and the bill ordered returned to the House.

[H 635](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 635](#) passed, title was approved, and the bill ordered returned to the House.

[H 657](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 657](#) passed, title was approved, and the bill ordered returned to the House.

[H 658](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 658](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 659](#) retained its place on the Third Reading Calendar for one legislative day.

[H 664](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippetts, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 664](#) passed, title was approved, and the bill ordered returned to the House.

[H 665](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bilyeu arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 665](#) passed, title was approved, and the bill ordered returned to the House.

[H 572](#) was read the third time at length, section by section, and placed before the Senate for final consideration. President Pro Tempore Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 572](#) passed, title was approved, and the bill ordered returned to the House.

[H 591](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Fulcher arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 591](#) passed, title was approved, and the bill ordered returned to the House.

[H 613](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Andreason arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 613](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, [H 619](#), as amended, retained its place on the Third Reading Calendar for one legislative day.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [H 564](#), as amended, as amended in the Senate, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [H 564](#), as amended, as amended in the Senate, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[H 564](#), as amended, as amended in the Senate, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Goedde arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [H 564](#), as amended, as amended in the Senate, passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1383](#), as amended, be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1383](#), as amended, be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1383](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Nuxoll, Pearce, Rice, Siddoway, Smyser, Tippets, Toryanski, Vick, Winder. Total - 26.

NAYS—Bilyeu, Bock, LeFavour, Malepeai, Schmidt, Stennett, Werk. Total - 7.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [S 1383](#), as amended, passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1404](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1404](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1404](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [S 1404](#) passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Malepeai, that all rules of the Senate interfering with the immediate passage of [S 1405](#) be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that [S 1405](#) be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

[S 1405](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, Lodge, McKague, McKenzie, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 30.

NAYS—Bock, LeFavour, Malepeai. Total - 3.

Absent and excused—Hammond, Mortimer. Total - 2.

Total - 35.

Whereupon the President declared [S 1405](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate recessed at 12:05 p.m. until the hour of 3 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 3 p.m., pursuant to recess, President Little presiding.

Roll call showed all members present except Senator Hammond, absent and formally excused by the Chair; and Senators Bock, Broadsword, Cameron, Darrington, Heider, Lodge, McKague, Nuxoll, Schmidt, Smyser, and Vick, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

March 22, 2012

The FINANCE Committee reports out [H 682](#), [S 1409](#), [S 1410](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), and [S 1408](#) with the recommendation that they do pass.

CAMERON, Chairman

[H 682](#), [S 1409](#), [S 1410](#), [H 668](#), [H 669](#), [H 674](#), [H 675](#), [H 676](#), [H 677](#), [H 678](#), [H 679](#), [H 680](#), [H 681](#), and [S 1408](#) were filed for second reading.

March 22, 2012

The AGRICULTURAL AFFAIRS Committee reports out [H 611](#) with the recommendation that it do pass.

SIDDOWAY, Chairman

[H 611](#) was filed for second reading.

March 22, 2012

The JUDICIARY AND RULES Committee reports that [S 1271](#), [S 1279](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1370](#), [SCR 112](#), [SCR 114](#), [SCR 115](#), [SCR 117](#), [SCR 118](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), [SCR 122](#), [SCR 124](#), [SCR 128](#), and [SCR 129](#) have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled [S 1271](#), [S 1279](#), [S 1293](#), [S 1294](#), as amended, [S 1309](#), [S 1326](#), [S 1344](#), [S 1370](#), [SCR 112](#), [SCR 114](#), [SCR 115](#), [SCR 117](#), [SCR 118](#), [SCR 119](#), [SCR 120](#), [SCR 121](#), [SCR 122](#), [SCR 124](#), [SCR 128](#), and [SCR 129](#) and ordered them transmitted to the House for the signature of the Speaker.

March 22, 2012

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 133](#) was delivered to the Office of the Secretary of State at 1:43 p.m., March 22, 2012.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eighth Order of Business.

Messages from the Governor

March 22, 2012

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed today and am transmitting to the Secretary of State the following Senate Bill, to wit:

[S 1308](#)

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

The correspondence was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Tenth Order of Business.

Motions and Resolutions

The President announced that Senator Russ Fulcher will serve as the Majority Caucus Chair for the remainder of the Second Regular Session of the Sixty-first Idaho Legislature, and on request by Senator Davis, granted by unanimous consent, *nunc pro tunc*, February 29, 2012.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House**PETITION TO WAIVE JOINT RULE 20**

We, the majority leadership of the Senate, petition that the President waive the provisions of Joint Rule 20 pertaining to the limitation on transmittal of proposed constitutional amendments, which would permit the transmittal and consideration of [HJR 2aa](#) to amend the Constitution of the State of Idaho by preserving for the people of Idaho the rights to hunt, fish and trap.

Signed:

/s/ Brent Hill, President Pro Tempore
 /s/ Bart M. Davis, Majority Leader
 /s/ Chuck Winder, Assistant Majority Leader
 /s/ Russ Fulcher, Majority Caucus Chair

Upon presentation of the petition, the President waived the provisions of Joint Rule 20 for the transmittal of [HJR 2](#), as amended. The correspondence was ordered filed in the office of the Secretary of the Senate.

March 22, 2012

Dear Mr. President:

I transmit herewith [HJR 2](#), as amended, which has passed the House.

ALEXANDER, Chief Clerk

[HJR 2](#), as amended, was filed for first reading.

March 22, 2012

Dear Mr. President:

I return herewith [S 1280](#), [S 1270](#), [S 1330](#), [S 1295](#), as amended, and [SCR 123](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1280](#), [S 1270](#), [S 1330](#), [S 1295](#), as amended, and [SCR 123](#) were referred to the Judiciary and Rules Committee for enrolling.

March 22, 2012

Dear Mr. President:

I transmit herewith Enrolled [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), [H 519](#), and [H 497](#), as amended in the Senate, for the signature of the President.

ALEXANDER, Chief Clerk

The President signed Enrolled [H 522](#), as amended, [H 386](#), as amended, [H 549](#), [H 550](#), [H 590](#), [H 604](#), [H 582](#), [H 491](#), as amended, [H 376](#), [H 570](#), [H 502](#), as amended, [H 569](#), [H 609](#), [H 519](#), and [H 497](#), as amended in the Senate, and ordered them returned to the House.

Senator Cameron was recorded present at this order of business.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials

[HJR 2](#), as amended, by Ways and Means Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Bock, Broadsword, Heider, Lodge, Nuxoll, Schmidt, Smyser, Vick, Darrington, and McKague were recorded present at this order of business.

[S 1403](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 31.

NAYS—None.

Absent and excused—Bair, Hammond, Malepeai, Siddoway. Total - 4.

Total - 35.

Whereupon the President declared [S 1403](#) passed, title was approved, and the bill ordered transmitted to the House.

[H 659](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Corder, Darrington, Davis, Fulcher, Goedde, Heider, Hill, Johnson, Keough, LeFavour, Lodge, Malepeai, McKague, McKenzie, Mortimer, Nuxoll, Pearce, Rice, Schmidt, Siddoway, Smyser, Stennett, Tippets, Toryanski, Vick, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Hammond. Total - 1.

Total - 35.

Whereupon the President declared [H 659](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On motion by Senator Davis, seconded by Senator Malepeai, by voice vote, the Senate adjourned at 4:10 p.m. until the hour of 9:30 a.m., Friday, March 23, 2012.

BRAD LITTLE, President

Attest: JENNIFER NOVAK, Secretary